

SAO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2010 MAY 12 AM 10:00

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
v.

SAMUEL DEE MARQUEZ (8)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1984) DEPUTY

Case Number: 09CR2550-BEN

MAYRA L. GARCIA

Defendant's Attorney

REGISTRATION NO. 15704298



THE DEFENDANT:

☒ pleaded guilty to count(s) 1 OF THE INDICTMENT.

☐ was found guilty on count(s) _____
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Count Number(s)
21 USC 846, 841(a)(1)	CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE	1

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) REMAINING _____is ☐ are ☒ dismissed on the motion of the United States.☒ Assessment: \$100.00☐ Fine waived☒ Property forfeited pursuant to order filed 5/3/2010, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

MAY 3, 2010

Date of Imposition of Sentence

HON. ROGER T. BENITEZ

UNITED STATES DISTRICT JUDGE

09CR2550-BEN

DEFENDANT: SAMUEL DEE MARQUEZ (8)
CASE NUMBER: **09CR2550-BEN**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of EIGHTY-SEVEN (87) MONTHS.

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☒ The court makes the following recommendations to the Bureau of Prisons:
DEFENDANT BE ALLOWED TO PARTICIPATE IN THE 500-HOUR DRUG TREATMENT PROGRAM.
DEFENDANT BE INCARCERATED WITHIN THE SOUTHWEST REGION OF THE UNITED STATES.

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
☐ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

09CR2550-BEN

AO 245D (Rev. 3/10) Judgment in a Criminal Case for Revocations
Sheet 3 — Supervised Release

Judgment—Page 3 of 8

DEFENDANT: SAMUEL DEE MARQUEZ (8)
CASE NUMBER: 09CR2550-BEN

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
TEN (10) YEARS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backing Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

09CR2550-BEN

DEFENDANT: SAMUEL DEE MARQUEZ (8)

CASE NUMBER: 09CR2550-BEN

SPECIAL CONDITIONS OF SUPERVISION

- ☒ Submit person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer with 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☐ Not reenter the United States illegally.
- ☐ Not enter the Republic of Mexico without written permission of the Court or probation officer.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Participate in a mental health treatment program as directed by the probation office.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within _____ days.
- ☐ Complete _____ hours of community service in a program approved by the probation officer within _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of _____ commencing upon release from imprisonment.
- ☐ Remain in your place of residence for a period of _____, except while working at verifiable employment, attending religious services or undergoing medical treatment.
- ☐ Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- ☐ Comply with the conditions of the Home Confinement Program for a period of _____ months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant is required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

AO 245S Judgment in Criminal Case
Sheet 5 — Criminal Monetary Penalties

Judgment — Page 5 of 8

DEFENDANT: SAMUEL DEE MARQUEZ (8)
CASE NUMBER: 09CR2550-BEN

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FINE

The defendant shall pay a fine in the amount of \$543.75 unto the United States of America.

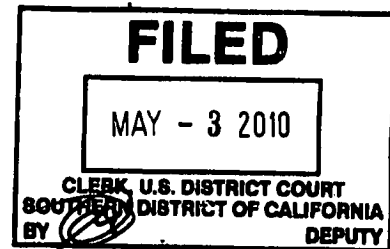
This sum shall be paid immediately.
 x as follows:

Through the Inmate Financial Responsibility Program (IFRP) at the rate of \$25.00 per quarter during the period of incarceration, with any balance due to be paid within one (1) year of release from imprisonment.

The Court has determined that the defendant does have the ability to pay interest. It is ordered that:

 x The interest requirement is waived.

 The interest is modified as follows:



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10	UNITED STATES OF AMERICA,)	Case No. 09cr2550-BEN
11	Plaintiff,)	AMENDED ORDER OF
12	v.)	CRIMINAL FORFEITURE
13	SAMUEL DEE MARQUEZ (8),)	
14	Defendant.)	

On January 25, 2010, this Court entered its Preliminary Order of Criminal Forfeiture, which condemned and forfeited to the United States all right, title and interest of SAMUEL DEE MARQUEZ (8) in the properties listed in the Forfeiture Allegation of the Indictment, namely,

- a. \$138,292 in U.S. currency;
- b. \$17,900 in U.S. currency;
- c. \$5,907 in U.S. currency; and
- d. \$5,071 in U.S. currency.

For thirty (30) consecutive days ending on February 26, 2010, the United States published on the Government's forfeiture website, www.forfeiture.gov, notice of the Court's Order and the United States' intent to dispose of the properties in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and further notifying all third parties of their right

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1 to petition the Court within thirty (30) days of the final publication for a hearing to adjudicate the
2 validity of their alleged legal interest in the property.

3 On February 1, 2010, Notice of Order of Forfeiture was sent by certified mail as follows:

4	<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
5	Richard Samuel Perez, Jr. (1)	7007 2560 0001 9143 9132	Signed for as received
6	c/o Stephen Patrick White		on 2/02/10
7	Attorney at Law		
8	101 West Broadway, Suite 1950		
9	San Diego, CA 92101-6036		
10	Larry Edward Frank (2)	7007 2560 0001 9143 9149	Signed for as received
11	c/o Anthony Edward Colombo, Jr.		on 2/02/10
12	Attorney at Law		
13	105 West F Street, 3rd Floor		
14	San Diego, CA 92101		
15	Lucio Gutierrez (5)	7007 2560 0001 9143 9156	Signed for as received
16	c/o Herbert J. Weston		on 2/02/10
17	Attorney at Law		
18	378 Vista Village Drive		
19	Vista, CA 92083		
20	Luis Andaluz Hernandez (7)	7007 2560 0001 9143 9163	Signed for as received
21	c/o Thomas Paul Matthews, Esq.		on 2/02/10
22	Liberty Lawyers		
23	1094 Cudahy Place, Suite 308		
24	San Diego, CA 92110		

25 Thirty (30) days have passed following the final date of notice by publication and notice
26 by certified mail, and no third party has made a claim to or declared any interest in the forfeited
27 properties described above.

28 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, as a result
of the failure of any third party to come forward or file a petition for relief from forfeiture as
provided by law, all right, title and interest of SAMUEL DEE MARQUEZ (8) and any and all third
parties in the following properties are hereby condemned, forfeited and vested in the United States
of America:

- a. \$138,292 in U.S. currency;
- b. \$17,900 in U.S. currency;
- c. \$5,907 in U.S. currency; and
- d. \$5,071 in U.S. currency.

1 IT IS FURTHER ORDERED that costs incurred by the United States Marshals Service, the
2 Drug Enforcement Administration and any other governmental agencies which were incident to
3 the seizure, custody and storage of the properties be the first charge against the forfeited properties.

4 IT IS FURTHER ORDERED that the United States Marshals Service shall dispose of the
5 forfeited properties according to law.

6 DATED: 5/03/10

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8 
9 ROGER T. BENITEZ, Judge
United States District Court
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